



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 19-823

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON VERIZON'S PETITION FOR DECLARATORY RULING REGARDING FEES CHARGED BY CLARK COUNTY, NEVADA FOR SMALL WIRELESS FACILITIES

WT Docket No. 19-230

Comments Due: September 25, 2019

Reply Comments Due: October 10, 2019

By this Public Notice, the Wireless Telecommunications Bureau seeks comment on a petition for declaratory ruling filed by Verizon on August 8, 2019 pursuant to section 1.2 of the Commission's rules. Verizon asks the Commission to declare that the recurring fees charged by Clark County, Nevada (County) for small wireless facilities in public rights-of-way are unlawful.<sup>1</sup> Specifically, Verizon claims that these fees materially inhibit the provision of telecommunications services by Verizon and violate Sections 253(a) and (c) of the Telecommunications Act, as amended, and that the Commission should preempt the fees under Section 253(d).<sup>2</sup>

Verizon argues that the County's recurring fees materially inhibit the provision of telecommunications services by wireless providers because: (1) they do not reasonably approximate the County's actual and direct costs associated with a provider's use of the public rights-of-way and other assets; (2) they consequently are not limited to the County's objectively reasonable costs; and (3) they are inherently discriminatory.<sup>3</sup> Verizon asks that the Commission declare that the County may not charge recurring fees to Verizon that exceed the presumptively reasonable annual rate of \$270, as set forth in the *Small Cell Declaratory Ruling*.<sup>4</sup>

We seek comment on these issues and any other issues raised by the Petition.

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<sup>1</sup> Petition for Declaratory Ruling that Clark County, Nevada Ordinance No. 4659 Is Unlawful under Section 253 of the Communications Act as Interpreted by the Federal Communications Commission and Is Preempted (filed Aug. 8, 2019), <https://ecfsapi.fcc.gov/file/1080871091743/Verizon%20-%20Petition%20for%20Declaratory%20Ruling%2008082019.pdf> (Petition).

<sup>2</sup> *Id.* at 1-2; see also 47 U.S.C. § 253; *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018) (*Small Cell Declaratory Ruling*).

<sup>3</sup> Petition at 1.

<sup>4</sup> *Id.* at 2.

*Filing Requirements.* Interested parties may file comments and replies on or before the dates indicated on the first page of this document.<sup>5</sup> All filings must reference **WT Docket No. 19-230**. Comments and replies may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>6</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

*Ex Parte Rules.* The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the

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<sup>5</sup> 47 CFR § 1.2.

<sup>6</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>7</sup> 47 CFR §§ 1.1200 *et seq.*

Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

*Additional Information.* For further information regarding this Public Notice, please contact Jiaming Shang, Acting Deputy Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at 202-418-1303 or by e-mail to [Jiaming.Shang@fcc.gov](mailto:Jiaming.Shang@fcc.gov).

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